



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,178	06/13/2000	Veselin Brankovic	450103-02669	5448

20999 7590 06/06/2002

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

TRINH, SONNY

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 06/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

TM

Office Action Summary

Application No.

09/593,178

Applicant(s)

BRANKOVIC ET AL.

Examiner

Sonny TRINH

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-33 and 52-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-33 and 52-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of group I, claims 22-33 in Paper No. 13 is acknowledged.

Response to Arguments

2. Applicant's arguments with respect to claims 23-33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 22-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoobridge et al. (Shoobridge; U.S. Patent Number 6,326,926).

As to **claim 22**, with reference to figure 1 and its detailed description, Shoobridge discloses a radio communication system comprising a plurality of public access server (access point 54a, 54b), and at least one mobile terminal (mobile unit 66), wherein the mobile terminal is designed to upload / download content from the public access server by means of a wireless transmission (figure 1, wireless connection between mobile unit

Art Unit: 2681

and access point). Furthermore, Shoobridge discloses that the system operate with the same transmission frequency (column 1, specifically lines 5-10), Shoobridge also discloses that each public server downloads / uploads content to mobile terminals only within a small localized area (claim 1, "in a building"), Moreover, Shoobridge teaches that the system operates within a non-licensed frequency band (column 1 line 63 to column 2 line 22). However, Shoobridge does not disclose that there is no hand-over between adjacent public access servers. However, data communications such as the transferring of data between a wireless Personal Digital Assistant (PDA) and a server are well known for not handing off between one server to the next server when the user of the PDA moves from one server to another server and the Examiner takes Official notice of such. The motivation for not handing off from one server to another server is avoid un-necessary transferring of data when in fact, the user only wants to download the specific data relating to a specific server. It is noted here that Shoobridge never discloses any handoff between the access point.

As to **claims 23-25**, the combination of Shoobridge and the Official Notice taken by the Examiner discloses the invention, however, the combination fails to show the public server is free of charge or the upload / download is charged to the user of the mobile terminal etc. However, these are merely options and are up to the service providers to decide whether to charge or not to charge the customers and are obvious to one of ordinary skill in the art.

As to **claim 26**, this claim merely reflect the method claim to the apparatus of claims 22-23 and is therefore rejected for the same reasons.

As to **claims 27-33**, these claims merely add the intention of using the system in various environments and are obvious and well within the level of ordinary skill in the art.

4. **Claim 52** is rejected under 35 U.S.C. 103(a) as being unpatentable over Derneryd et al. (Derneryd; U.S. Patent Number 6,218,987).

As to **claim 52**, Derneryd discloses a radio antenna system for transmitting of data. Derneryd further discloses a fixed hub ("base station" column 8) with a wide angle beam antenna (column 8, lines 3-14) and mobile terminal provided with a narrow beam antenna (column 3). However, Derneryd does not disclose that the system is designed for the transmission of data in the 60 GHz range. However the use of the 60 GHz frequency range for high bit rate data transmission is well known and widely used in Europe and also in Japan for its unlicensed requirement and the Examiner takes Official Notice of such high bit rate (60 GHz.). The motivation for using the 60 GHz. bit rate is for high speed data transmission that do not require any license.

5. **Claims 53-54** are rejected under 35 U.S.C. 103(a) as being unpatentable over Derneryd et al. (Derneryd; U.S. Patent Number 6,218,987) in view of Fischer et al. (Fischer; U.S. Patent Number 6,360,075).

As to **claim 53**, the combination of Derneryd and the Official Notice taken by the Examiner discloses the invention except for the fixed hub is provided with an antenna with a kidney shaped in cross section. In an analogous art, Fischer teaches a mobile terminal having a detachable subscriber identity module for storing profile of a mobile subscriber of the mobile terminal (col. 4, lines 10-48). Simpson uses the system and

Art Unit: 2681

method for transmitting data. Fischer further teaches the hub is provided with an antenna with a kidney shaped in cross section ("cardioid" column 4 line 51 to column 5 line 9).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the mobile system of Derneryd, the kidney shaped antenna, as taught by Fischer to obtain the invention as specified in claim 53. The motivation for doing so would be to reduce potential interference between transmissions from subscribers and transmissions to central hub (see cited passage).

As to **claim 54**, the combination of Derneryd and Fischer discloses the invention. However, the pair does not disclose that the antenna is mounted on the ceiling and said kidney shape beam has a local minimum level in said cross section in a direction opposing said ceiling. However, this claim merely add the intention of using the system in various environments and are obvious to one of ordinary skill in the art.

Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Art Unit: 2681

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny Trinh whose telephone number is (703) 305-1961. The examiner can normally be reached Monday through Thursdays from 7:00 am to 4:00 p.m., and on alternate Fridays.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Sonny Trinh *S.T.*

Patent Examiner
5/31/02

N. L. Maung
NAY MAUNG
PRIMARY EXAMINER